

RYLZ 2 00658-1

IFW

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S) : John S. Murphy, et al.  
TITLE : **BAGLESS CANISTER VACUUM  
CLEANER**  
APPLICATION NO. : 10/790,304  
FILED : March 1, 2004  
CONFIRMATION NO. : 9303  
EXAMINER Jason M. Greene  
ART UNIT 1724  
LAST OFFICE ACTION July 20, 2004  
ATTORNEY DOCKET NO. : RYLZ 2 00658-1  
Cleveland, OH 44114  
August 27, 2004

**PETITION FOR CLAIM OF BENEFIT OF PRIOR FILED APPLICATION**

**UNDER 37 CFR 1.78(a)(3)**

MAIL STOP PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

A specific reference to a prior application required by 35 U.S.C. §120 and 37 C.F.R. §1.78 9a)(2)(iii) was omitted from the specification of this continuation application.

Applicant respectfully petitions for the application to be accorded the benefit, as a continuation of U.S. Application Serial No. 09/944,731 filed August 31, 2001, and to claim the benefit of U.S. Provisional Application No. 60/230,287 filed September 1, 2000.

Reference to the claim of benefit to Provisional Application No. 60/230,287 was listed in the specification. However, the priority of U.S. Application Serial No. 09/944,731 was claimed only on the transmittal sheet and was not mentioned in the specification. As a result, the relationship of the present application to its parent was not specified in the specification of the instant application.

Applicant submits that the entire delay in submitting the claim in the proper form was unintentional. The omission was brought to the Applicants' attention in an Office Action, mailed over four months after the filing of the Application.

Applicants therefore request that the first paragraph of the specification be amended, as follows:

This application is a continuation of U.S. Application Serial No. 09/944,731 filed August 31, 2001, and claims priority from and hereby expressly incorporates by reference commonly owned U.S. provisional application No. 60/230,287 filed September 1, 2000.

Applicants enclose a check in the amount of \$130.00 for the filing of the within petition. The Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 06-0308.

Respectfully submitted,

**FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP**



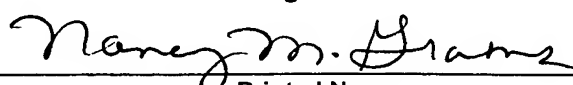
Jay F. Moldovanyi, Reg. No. 29,678  
Ann M. Skerry, Reg. No. 45,655  
1100 Superior Avenue, 7<sup>th</sup> Floor  
Cleveland, OH 44114-2579  
216/861-5582

#### CERTIFICATE OF MAILING

I certify that this Preliminary Amendment is being

- ☒ deposited with the United States Postal Service as First Class mail under 37 C.F.R. § 1.8, addressed to: MAIL STOP PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
- ☐ transmitted via facsimile under 37 C.F.R. § 1.8 on the date indicated below.
- ☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: MAIL STOP Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

<b>Express Mail Label No.:</b>
<b>Date</b> 08-27-03

<b>Signature</b> 
<b>Printed Name</b> Nancy M. Grams